

PlpoW_P_1_03
Examiner Alan B. Cariaso

10/661.420
Art Unit 2875

REMARKS/ARGUMENTS

Claims:

Claims **4, 5, 19** and **20** have been amended.

Remarks:

In view of the following remarks, reconsideration of the outstanding Office Action is respectfully requested.

1. The rejection of hereby appropriately corrected **Claims 4, 5, and 19** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is respectfully traversed.

1a. The typographical errors in **Claims 4 and 5** have been corrected and are, therefore, no longer indefinite.

1b. **Claim 19**, to comply with Examiner's requirements, no longer depends from Claim 18 and therefore no longer incorporates, by dependency, any limitations of Claim 1 or Claim 18.

2. The rejection of hereby amended **Claim 19** under 35 U.S.C. 102(b) as being anticipated by Tell *et al.* (U.S. 6,712,493) is respectfully traversed based on the following.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP 2131

Page 6 of 9

PipoW_P_1_03
Examiner Alan B. Cariaso

10/661.420
Art Unit 2875

Amended Claim 19 recites:

A method for illuminating an object assembly, comprising the steps of:

- a. providing for at least one object to be illuminated;
- b. providing for at least one aperture in said at least one object to be illuminated;
- c. providing for at least one light source ~~as described in Claim 18~~;
- d. providing for at least one optical fiber functionally embedded within said object,
said fiber having a first end and a second end,
said first end of said fiber arranged to terminate at an at least one visually
exposed surface of said object, and
- e. reversibly inserting said at least one light source within said at least one aperture, said light source providing illumination to a second end of said fiber enabling
light emitted from said light source to be guided from said light source through said
fiber, wherein light is emitted from said visually exposed surface of said object
assembly.

As Claim 19 recites the limitation of providing for and structurally and functionally requiring the use of "at least one optical fiber" and as Tell *et al.* do not teach the use of optical fibers and instead teaches the use of "light reflecting members", as the means of producing illumination to effect animation, where "light reflecting members" refer to a first and second reflecting member, where in the "...first light reflecting member comprises a first surface and a second surface, wherein the light from the first light source enters the first member through the first surface and exits the first member through the second surface. The second light reflecting member comprises a first surface and a second surface, wherein the light from the second source enters the second member through the first surface and exits the second member through the second surface." See Tell *et al.* Abstract. Examples of the "light reflecting members" taught by Tell *et al.* include angels, ceiling lights, warning signs, direction signs, candle flames, and toy guns.

For the reasons provided above Applicant respectfully submits that amended Claim 19 is now patentable over the cited reference.

Page 7 of 9

Pipow_P_1_03
Examiner Alan B. Cariaso

10/661.420
Art Unit 2875

3. The rejection of hereby amended Claim 20 under 35 U.S.C. 102(b) as being anticipated by Harrison (U.S. 4,754,372) is respectfully traversed based on the following arguments.

Amended Claim 20 recites:

A self-illuminating fabricated solid object assembly comprising:

- a) a fabricated solid object having at least one visually exposed surface and having at least one aperture open to an outer surface;
- b) at least one optical fiber, said fiber embedded within said fabricated solid object providing for one end of said fiber to terminate on said at least one visually exposed surface of said fabricated solid object;
- c) at least one receiving means embedded within said solid object and operatively coupled with said aperture, said receiving means adapted for encompassing another end of said at least one optical fiber;
- d) at least one light emitting diode light source means,

wherein said receiving means adapted to reversibly receive said light source means providing for operative contact of said light source means with the end of said fiber encompassed by said receiving means enabling light emitted from said light source means to be guided from said light source means to the end of said at least one optical fiber visibly terminating on said visually exposed surface of said fabricated object.

As amended Claim 20 recites the limitation of providing for and structurally and functionally requiring the use of "at least one light emitting diode light source means" and as Harrison does not teach the use of LEDs (light emitting diodes) as a light source means and instead teaches the use of "A small, long life incandescent bulb 31, such as a grain of wheat bulb, is used as a light source." See Harrison, Col. 3, lines 34 – 36.

For the reasons provided above Applicant respectfully submits that amended Claim 20 is now patentable over the cited reference

Page 8 of 9

PipoW_P_1_03
Examiner Alan B. Cariaso

10/661.420
Art Unit 2875

CONCLUSION

The Prior art made of record and not relied upon was considered.

In view of the amendments and present related arguments, Applicant believes that all of the claims of the Application are now in condition for allowance. Accordingly, favorable consideration and allowance of Claims 4, 5, 19, and 20 are respectfully solicited so that amended Claims 4, 5, 19, and 20 of the present application may join allowed Claims 1 – 3 and 6 – 18 to pass to issue.

Respectfully submitted,
For Walter E. Pipo, Applicant

Patricia M. Costanzo
Attorney for Applicant
Reg. No. 48,809
Sunday, July 17, 2005

2960 Bowen Road
Elma, NY 14059
Telephone: 716-652-2380
Facsimile: 716-652-8868
law@patcostanzo.com